

## REMARKS

In response to the Office Action dated April 6, 2006, Applicant respectfully requests reconsideration and withdrawal of the objections to the disclosure and rejections of the claims.

The Abstract was objected to for the use of the phrase "This invention". In response thereto, the Abstract has been amended to remove the phrase.

Claims 33 and 85 were rejected under the second paragraph of 35 U.S.C. §112. The rejection states that a figure is not an acceptable claim limitation. It is respectfully submitted that the subject matter presented in these claims is not a figure, per se. Rather, it is a table that defines the structure and content of the anti-latency data streams. It is respectfully submitted that this table is definite, within the requirements of 35 U.S.C. §112.

Furthermore, the Examiner is referred to related Application Numbers 90/917,638 and 09/954,041, in which the Examiner not only accepted claims of this nature, but identified them as containing allowable subject matter. Reconsideration and withdrawal of the rejection is respectfully requested.

To reduce the issues under consideration, as well as remove non-elected subject matter, claims 1-25 and 34-107 have been canceled. Accordingly, claims 26-33 remain pending. Claim 26 has been rewritten in independent form.

Claims 26-32 were rejected under 35 U.S.C. §103, on the grounds that they were considered to be unpatentable over the *Ganek et al.* patent (U.S. 5,724,646) in view of the *Kermode et al.* patent (U.S. 6,018,359). For the reasons presented below, it is respectfully submitted that the currently pending claims are patentable over the disclosures of these references.

The *Ganek* patent discloses the transmission of video data through a network Video-On-Demand system comprising two sets of data streams. The first set of data streams includes a fixed set of channels, wherein each channel contains a repeatedly-transmitted beginning portion of each video. The second set of data streams contains the remaining portion of the video after the first set of data has been played at the client's location. The *Ganek* patent does not disclose the specific construction of the entire latency data stream, as now recited in claim 26. The advantages of such a construction include maintaining a low start-up time of a movie, without increasing the number of data streams that are required to be sent to a user, or recorded by a user. This translates into lower bandwidth requirements for the whole system, and hence lower operational costs.

In the system of the *Kermode* patent, each data segment is transmitted repeatedly over a plurality of communication channels. A client is required to connect to two channels at any given time, to view a movie. The purpose of this arrangement is entirely different from that of the claimed subject matter, which is to provide a plurality of anti-latency data streams. The purpose of the *Kermode* system is to reduce the buffer size at the client's station, so as to reduce the overall operational costs. See column 2, lines 31-40. The data streams of the *Kermode* patent contain the entire movie. By contrast, the anti-latency data streams of the pending claims contain only the leading portion of the movie.

Neither of the *Ganek* nor *Kermode* patents have the objective of providing interactive functions. Furthermore, it is respectfully submitted that there is no motivation to combine the disclosures of these two patents, because they are based upon different operating principles. Assuming *arguendo* that they were to be

combined, it is respectfully submitted that they do not result in a VOD system that permits a user to start a movie in relatively short time, provides the client with interactive functions, and at the same time maintains low bandwidth requirements.

For at least these reasons, therefore, it is respectfully submitted that the pending claims are patentably distinct from the disclosures of the *Ganek* and *Kermode* patents, whether considered individually or in combination.


Reconsideration and withdrawal of the rejection, and allowance of the claims is respectfully requested.

Respectfully submitted,

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